Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

This matter comes before the Zoning Commissioner as an administrative variance filed by Eric H. Wilderson and Kathleen Wilderson, his wife, for that property known as 2276 Monocacy Road in the Middleborough section of Baltimore County. The Petitioner/property owners herein seek a variance from Sections 1802.3.C.1 and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a width of the front yard of 50 ft., in lieu of the required 55 ft., and to approve an undersized lot, as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of

the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

conditioned upon Petitioners' compliance with said findings.

ORDER RECEIVED FOR FILING
Date

Date

By

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this grant day of December, 1993 that the Petition for a Zoning Variance from Sections 1802.3.C.1 and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a width of the front yard of 50 ft., in lieu of the required 55 ft., and to approve an undersized lot, all in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

> Zoning Commissioner for Baltimore County

LES/mmn

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887 4386

December 23, 1993

Mr. and Mrs. Eric H. Wilderson 2276 Monocacy Road Essex, Maryland 21221

> RE: Petition for Administrative Zoning Variance Case No. 94-181-A Property: 2276 Monocacy Road

Dear Mr. and Mrs. Wilderson:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (39) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free */, contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn

Printed on Recycled Paper

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 2274 Monocacy Ro which is presently somed DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 &304.2 To allow a width of the front yard of 50 ft. in lieu of the required 55 ft. and to approve an undersized lot.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or Practical difficulty)

HARDSHIP: 1. EXISTING HOUSE ON PROP. LINE

Z. BUILT ON HILL, HOUSE COLLAPSING TWO. RIVER 3. NEW PLACEMENT WILL ALLOW FOR PARALLEL

ALIGN MENT WE NEIGH BORING HOUSES. i, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

City	State	Žipcode	Address	Address
Address	Phone	No	Name	Name
Signature			Name Address and phone (Name. Address and phone number of representative. It
			<u> </u>	City State
Type or Print Name)	·····		Address	Address
Attorney to: Petitioner			2771 Nava	2276 MONOCACY RO M
Cely	State	Zipcode	Signature	Signature HM
Address			Kath lee	Kathleen Wille
		,,,,,	KATHLER	KATHLEEN WILDS
9ignature			Signature	Signature
			Pric H	Prich Will
Type or Print Name)			ERIC H.	
Contract Purchaser/Lessee			Legal Owner(s)	

that the subject matter of this petition be set for a public hearing advertised, as required by the Zoning Regulations of Baltimare County, in two newspapers of general

circulation, throughout Battimore County, and that the property be reposted.

ITEM #: 188

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) in/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/go presently reside at 2276 Mono Cacy Ro

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrati HARDSHIP: 1. EXISTING HOUSE ON PROP. LINE

2. Builton Hill, House Collapsing Two. River 7. New Placement will Alland For GRALIEL ALIGNMENT WITH NAGHBORING HOUSES

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal. My Commission Expires: 12-31-93 Affidavit in support of Administrative Variance The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Afflant(s) and that Afflant(s) is/are competent? testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Afflant(s) does/do presently reside at 2276 Monocacy Road Essex, Md. That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administra Variance at the above address: (indicate hardenip or practical difficulty) HARDSHIP: (1) Existing House on Property Line #2) Built on hill, house collapsing toward river #3) New placement will allow for parallel alignment with neighboring houses. Eric H. Wilderson and Kathleen Wilderson the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiants(s), and made oath in due form of her that the matters and facts hereinabuve set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal. Heilm. Brogo 11-15-93 Dec. 31, 1993

			107.
EXAM	PLE 3 – Zonir	ng Description	- 3 copies
describitoli	s are required. Copies of . Use this fill-in format 1/2" x 11" sheet.	f deeds cannot be used in place of provided whenever possible; oth	- 181-A of this herwise, type or
Z: E	ONING DESCRIPTION FOR 2	276 Monocacy Ro. (Address) Councilmanic District	5
Beginning a	t a point on the NE	CCRNER wide of Mon	LOCACY RD
(street on wide at a day		(number of feet of right of (north, south, east or west)	
	of the nearest improved in unber of feet of right-of-		street)
Block		in the subdivision of	
Ponk #	SOFT. 0,267 A	<u>C</u> ,	
*I t di di	quare feet and acres) f your property is not rechen DO NOT attempt to use escription as shown, instable - , Folio - " and	corded by Plat Book and Folio Num the Lot, Block and Subdivision ead state: "As recorded in Deed include the measurements and s only) here and on the plat in t	mber,

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18

27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15'

22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 91-181-14

District 57	Date of Posting 1913/93
Posted for: L'CHENCA	
Politioner Exic & Nothberry	16 17 Say Son
Location of property: 2276 Money	very Rd., NElect & Wiscomice Rd
Location of Signer Jacoby Tools a	cuy, on Brighty fring Found
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Remarks:	
Posted by	Date of return: 11/19/93
Sheehan of Classes /	,

Zoning Administration & Development Management La la trad d'Attraction de la Agranda

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Date 10-29-13 # 55.76 MY CALY NO 1. ACTA HID, 1.1221

> MIN - VARIANCE - # 500 150 - SIGN - # 5-12 TOTAL # 85 5

> > Please Make Checks Payable To: Baltimore County

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

November 22, 1993

Mr. and Mrs. Eric H. Wilderson 2276 Monocacy Road Baltimore, Maryland 21221

111 West Chesapeake Avenue

Towson, MD 2120 i

RE: Case No. 94-181-A, Item No. 188 Petitioner: Eric H. Wilderson, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Wilderson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 29, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are dapable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



O James Lighthizer Secretary Hal Kassoff

11-5 93

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Baltimore County Item No.: * 188 / 1 1)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, Bob Small DAVID N. VALISEY, ACTING CIVIER John Contestabile, Chief

Engineering Access Permits

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Administrator

Department of Permits and Licenses 10 R 10, 1993 111 West Chesapeake Avenue

(410) 887-3610

4 2

Ar Workshill and Dong 1204 Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

MEETING OF NOVEMBEP 8, 1993

Baltimore County Government

Property Owner: Dori Eisenacher and Rick Eisenacher Location: #7512 Gilley Terrace Item No.: *178 (jjs)

Property Owner: Harry H. Stierhoff, Jr. & Melanie K. Stierhoff Location:

#305 Lenora Avenue Item No.: *179 (RT)

Property Owner: Perry Hall Courts II Joint Venture Location: #6 Meadowbank Court Item No.:

180 (RT)

Property Owner: Regent Development Company #1600 York Road Item No.: + 182 (JJLS)

Property Owner: Rolling Road Plaza, Inc. Location: #1100 North Rolling Road

+ 183 (JCM) Property Owner: Frederic W. Shaffer & Cynthia A. Shaffer Location:

#1218 Second Road Item No.: * 184 (JLL)

Property Owner: Martin Thalia Resnick & Thalia D. Pesnick Location: #11111 Verdant Poad Item No.: *185 (JJS)

Property Owner: Kathleen Ruth Hughes & Richard H. Hughes Location: #9212 Harford Road Item No.: +186 (JLL)

Property Owner: Garrison Forest Associates, L.P. #10300 Reisterstown Rd. Garrison Forest Plaza Location: Item No.: + 187 (WCR)

Property Owner: Eric H. Wilderson & Kathleen Wilderson #2276 Monocacy Road Item No.: * 188 (RT)

Property Owner: Joseph E. Buchanan, II
Location: Proposed #9712 A & B Magledt Road
Item No.: + 189 (JJS)

Centi enen:

Item No.:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Arnold E. Jablon, Director DATE: December 21, 1993 Office of Zoning Administration and Development Management

J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 188 Wilderson Property Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 2276 Monocacy Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Eric and Kathleen Wilderson

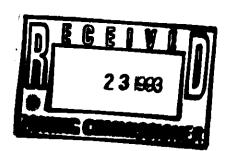
APPLICANT PROPOSAL

The applicant has requested a variance from section 1B02.3.C.1 and 304.2 of the Baltimore County Zoning Regulations to permit a width of a frontyard width of 50 ft. in lieu of the required 55 ft. and to approve an undersized lot.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands:
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.0>.



2.0

Mr. Arnold E. Jablon December 21, 1993

REGULATIONS AND FINDINGS

Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" < Baltimore County Code Section 26-449(a)>.

Policy: "Redevelopment - if less than a 100 foot buffer exists, the buffer is established from the limit of existing permitted disturbance to the shoreline. " <Baltimore County Department of Environmental Protection and Resource Management Policy Manual>

Finding: This property is adjacent to the tidal waters of Middle River. The old house footprint is approximately 63 feet from mean high water allowing a buffer of approximately 63 feet to be established. No clearing, grading, or construction shall be permitted in the buffer.

Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Baltimore County Code. Section 26-543(e)(1)>.

Finding: The current impervious surface equals 1,176 square feet or 13% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces. The amount of impervious areas shall not exceed 2,263 square feet or 25% of the lot juring redevelopment and is in compliance with the above regulation.

Mr. Arnold E. Jablon December 21, 1993

Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

<u>Finding:</u> Stormwater runoff shall be directed from impervious surfaces associated with this plan, to pervious areas, to encourage maximum infiltration. Rooftop runoff shall be directed through downspouts and into a seepage pit or drywell, to encourage maximum infiltration (see attached information). These measures will ensure that the requirements of this regulation are met.

Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15% < COMAR 14.15.02.04 C.(5)(e)>.

<u>Finding:</u> A 15% forest cover is present and must be maintained.

CONCLUSION

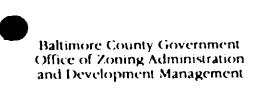
The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

> Department of Environmental Protection and Resource Management

Enclosure

cc: Mr. and Mrs. Eric Wilderson 2276 Monocacy Road Baltimore, Maryland 21221

MONOCACY/DEPRM/WOCBCA



(410) 887-3353

Eric H. Wilderson and Kathleen Wilderson 2276 Monocacy Road Essex, Maryland 21221

CASE NUMBER: 94-181-A TTEM NUMBER: 2276 Monocacy Road LOCATION:

Dear Mr. & Mrs. Wilderson:

111 West Chesapeake Avenue

NOVEMBER 5, 1993

Towson, MD 21204

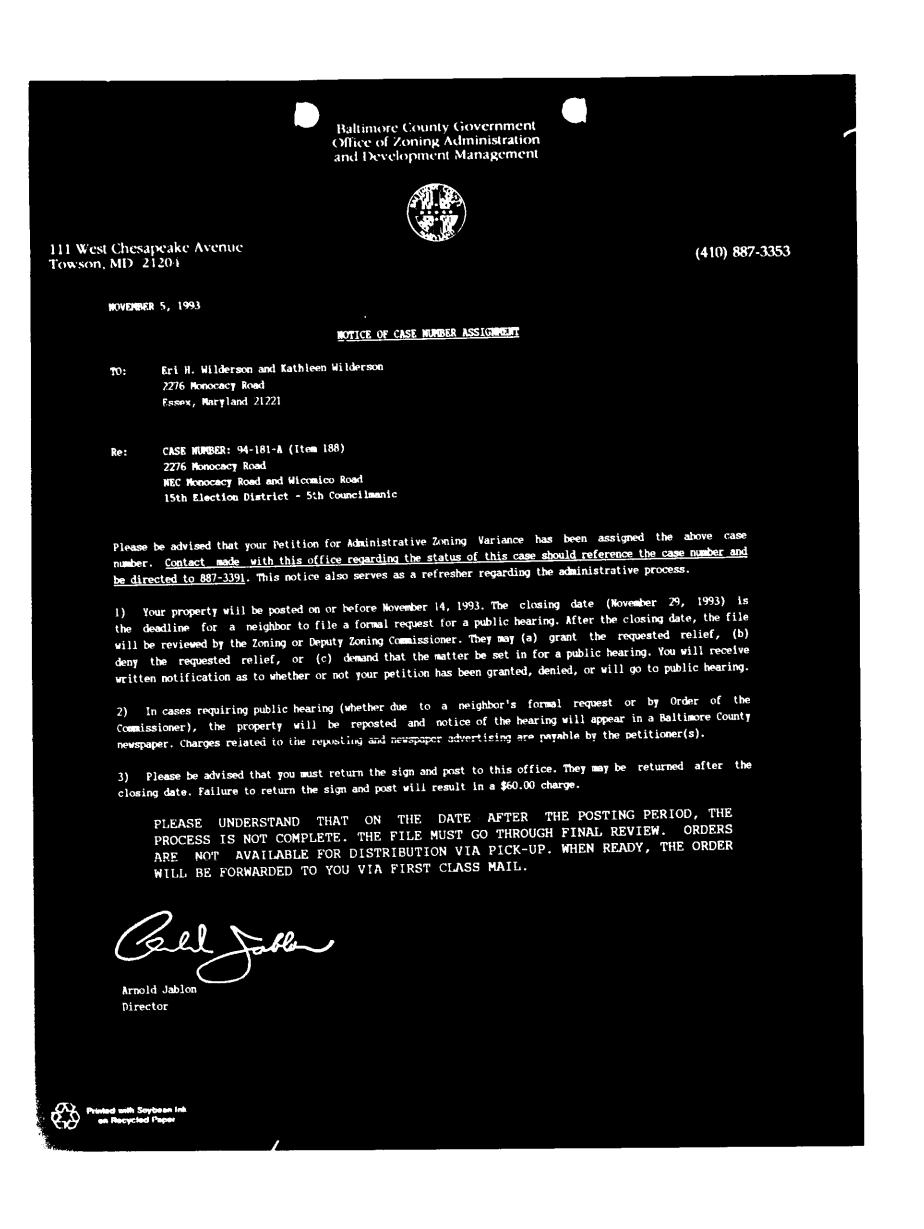
Pursuant to review by Mr. Richards and/or his staff, the above matter has been incompletely rendered. Notwithstanding, it was processed through the system; enclosed you will find either a "Notice of Hearing" or "Notice of Case Number Assignment".

Be advised that the closing/hearing date, as indicated on the enclosed "Notice", will stand only if proper documentation is received within two weeks of the date of this letter. Alternatively, this case will be moved four to five weeks further out. To avoid such a delay, you must provide the following:

The Notary section of your petition is incomplete, in that ownerss names and statement are not notarized. Please submit new affidavits.



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INTER-OFFICE COMPLESSONDENCE TO: Detector, Office of Planning and Zonning Am: Even Incommendations Demandation Incommendations Am: Even Incommendations Incommendati						
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A sign indicating the proposed Building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00 and posting \$35.00; total \$85.00. In the absence of a request for public hearing during the 15-day posting period a decision can be expected within approximately four weeks. However, if a valid	FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2 ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 The application for your profosed Building Permit Application has been accepted for filing by / Policy Could on / Date (A) A sign indicating the proposed Building must be posted on the property for fitteen (15) days before a decision can be rendered. The cost of filing is \$50.00 and posting \$15.00; total \$85.00. In the absence of a request for public hearing during the 15-day posting period a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing. *SUGGESTED POSTING DATE //-2-73 D (15 Days Before C) DATE POSTED DATE POSTED TENTATIVE DECISION DATE //-20-73 B (A + 30 Days) *Usually within 15 days of filing CERTIFICATE OF POSTING District	FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2 ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT COUNTY Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 The application for your-proposed Building Permit Application has been accepted for filing by		
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